

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 25, 27-29 and 31-39 are pending in the application. Independent claim 25 has been amended to recite that the lipophilic phase is in granular form. Claims 33 and 34 have been amended to delete the term "capsules". Applicants believe that support for the changes may be found generally throughout the specification. In particular, the Examiner's attention is directed to pages 6-10 of the present specification.

In the outstanding Official Action, claims 25, 27-29, and 31-39 were rejected under 35 USC §112, first paragraph, for allegedly not satisfying the enablement requirement. This rejection is traversed.

As noted above, the claims have been amended to recite that the lipophilic phase is in a granular form. Thus, applicants believe that the present amendment obviates the enablement rejection.

Claims 27, 31-34 and 37 were rejected under 35 USC §112, second paragraph, for allegedly being indefinite. This rejection is traversed.

As noted above, claims 33 and 34 have been amended to delete the term "capsules". However, applicants believe that claims 27, 31, 32 and 37 are definite to one skilled in the art.

Indeed, applicants respectfully submit that the term "consisting essentially of" relates to the claimed combination of phases/matrices and implies that the technical effect is achieved by such a combination without the need for adding additional phases or matrices that materially affect the invention. This is supported in the present specification at page 4, lines 10-19 and page 4, line 21, to page 5, line 22. The transitional phrase does not exclude composition or compounds, such as excipients (see page 5, lines 20-22). In this regard, claims 27, 31, 32 and 37 are perfectly consistent with claim 25.

Thus, in view of the above, applicants respectfully request that the rejection be withdrawn.

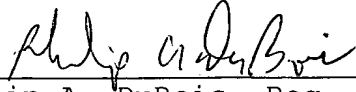
In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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